United Nations S/2003/483

Security Council

Distr.: General
28 April 2003

Original: English

Letter dated 14 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/818).

The Counter-Terrorism Committee has received the attached supplementary report from the Republic of Djibouti, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-34573 (E) 120503 190503

Annex

[Original: French]

Note verbale dated 2 April 2003 from the Permanent Mission of Djibouti to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Djibouti to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) and has the honour to transmit to it herewith the supplementary report of Djibouti on the implementation of the provisions of Security Council resolution 1373 (2001) concerning counter-terrorism.

Enclosure

Supplementary report of Djibouti on the implementation of the provisions of Security Council resolution 1373 (2001) concerning counter-terrorism*

Further to its initial report, the Government of the Republic of Djibouti would like to provide the following clarifications requested by the Counter-Terrorism Committee on different points concerning the implementation of Security Council resolution 1373 (2001).

Paragraph 1

Could Djibouti please outline the legal provisions in its current laws that give effect to the requirements of this paragraph?

The legal provisions in the current laws of the Republic of Djibouti that give effect to the requirements of this paragraph of resolution 1373 are as follows:

Chapter V, article 167 of the Penal Code concerning terrorism defines terrorism as:

> "The following offences shall constitute terrorist acts if they are connected with an individual or collective transaction aimed at seriously disrupting law and order through intimidation and terror:
>
> - Wilful attacks causing loss of life, wilful attacks on the physical integrity of persons, kidnapping and abduction, and hijacking of aircraft, vessels or any other means of transport;
> - Theft, extortion, vandalism and other kinds of destruction, criminal damage and waste, as well as computer-related offences."

Article 168 further provides that: "the introduction into the atmosphere, the subsoil or waters, including the sea, of substances likely to endanger the health of men or animals or to be harmful to the environment shall also constitute an act of terrorism."

These provisions are contained in articles 167 to 171 of the Penal Code, which spell out the penalties for the above-mentioned offences. In that regard, please refer to Chapter V on terrorism, which is annexed hereto.

Act No. 196/AN/02/4èmeL of 29 December 2002 on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds from crimes, criminalizes the wilful provision or collection, by any means, directly or indirectly, of funds by nationals of Djibouti in Djibouti territory, with the intention that the funds are to be used to carry out terrorist acts.

With the adoption of this Act, the Republic of Djibouti now has all the legal and criminal legislation required, pursuant to paragraphs 1 (a), (b), (c) and (d) of resolution 1373 (2001), to prevent and suppress the financing of terrorist acts.

* The annexes are on file with the Secretariat and are available for consultation.

In that regard, for further information, please find annexed hereto that Act, which was enacted and promulgated pursuant to resolution 1373 in order to supplement national legislation on the prevention and combating of terrorism.

Please indicate whether the National Committee on Counter-Terrorism has finalized its views on the harmonization of domestic laws with the requirements of the resolution and describe the outcome of that exercise.

The National Counter-Terrorism Committee was established after the adoption of resolution 1373 under the leadership of the Minister of Justice. It is composed of all the relevant Government departments, i.e., the Ministry of Foreign Affairs, the Central Bank, the army, the police and the National Security Department. Its first task was to restructure the entire security apparatus to create synergy among all actors in the security sector. With regard to the harmonization of legislation, the Committee recommended the adoption of Act No. 196/AN/02/4ème L of 29 December 2002 on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds from crimes to complete the legislative and penal arsenal.

The Committee is currently reviewing all the international instruments to which Djibouti is not a party in the light of domestic law and will shortly make a recommendation concerning our accession.

Please indicate whether financial institutions and other intermediaries (e.g. lawyers), are legally required to report suspicious transactions to the relevant public authorities. If so, what are the penalties for non-compliance?

Title II, chapter I, article 2-1-2 of Act No. 196/AN/02/4ème L on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds from crimes promulgated on 29 December 2002, provides that the Act covers "credit institutions, financial institutions and intermediaries, as well as any natural or legal person who, in the course of his profession, carries out, supervises or advises on transactions involving the deposit, exchange, investment, conversion or any other movement of funds."

That article further provides that the Act also applies to "all transactions, money changers, insurance companies, investment firms, agents dealing in the sale or rental of real estate or businesses, notaries, accountants, auditors, auctioneers as well as casinos and gambling establishments."

Under this regulation, the above-mentioned establishments are required to effect funds transfers above 1 million Djibouti francs (there is a fixed parity of US$ 1.00 to 177 Djibouti francs) through a credit or financial institution pursuant to title II, article 2-1-3, of the present Act.

Credit and financial institutions shall verify the identity of:

- Customers;
- Casual customers, even where the amount involved is less than 1 million Djibouti francs, if the origin of the funds is not clear;
- Economic beneficiaries, including attorneys and agents, who may not invoke confidentiality as grounds for not revealing the identity of the principal.

For further information, please refer to the present Act annexed hereto, especially to title II, chapter II thereof, on transparency in financial transactions.

The occupations subject to this Act are required to cooperate and collaborate with the authorities responsible for combating money-laundering, especially the Financial Intelligence Service, which may require any public authority and any natural or legal person covered by article 2-1-1 to divulge such information as it may deem relevant to carry out investigations, once a suspicious transaction report has been filed.

Title III, article 3-1-4, on the reporting of and requirement to report suspicious transactions provides that: "Any natural or legal person referred to in article 2-1-1 shall report to the Financial Intelligence Service the transactions covered by article 2-1-1 when they concern funds suspected of being proceeds from money-laundering or being connected with the financing of terrorist activities."

The Act is clear and provides for coercive measures, including the prohibition to invoke banking or professional secrecy, in case of failure to cooperate or report suspicious transactions. The penalties for non-cooperation or non-compliance with that regulation are set out in title IV, chapter II, article 4-2-5 of which provides for "five to ten years of imprisonment and a fine of 25 to 50 million Djibouti francs". Subparagraph (g) lays down penalties for "those who fail to report the suspicious transactions covered by article 3-1-4, where circumstances suggested that a particular transaction might be the proceeds from one of the offences covered by the present article."

The Act on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds from crimes, complies fully with paragraph 1 of the resolution, since it concerns prevention, suppression and international cooperation with respect to combating the use of the proceeds from crime and terrorist financing.

Please provide a progress report on the steps taken by Djibouti to implement the proposals mentioned in the report that contribute to compliance with this paragraph.

Aware of its geographical and strategic location, the Republic of Djibouti has, in addition to the legislation it has enacted, and because of its desire to play a very active role in the eradication of this scourge, signed bilateral agreements with a number of member States of the global counter-terrorism coalition, allowing them to establish bases in its territory to monitor the activities of terrorist organizations. Such agreements were signed with the Federal Republic of Germany, Italy, Spain, the United States of America, in addition to already existing cooperation agreements with France.

Paragraph 2

Have proposals been formulated to amend existing legal provisions with a view to bringing them into line with the requirements of subparagraphs 2 (a) to (g) of the resolution? Please provide an outline of the proposals made in this regard.

The Republic of Djibouti has never provided any support to entities involved in acts of terrorism and Djiboutian law imposes severe penalties for such acts. The exchange of information with countries of the coalition and countries in the

subregion has been intensified. In line with its policy of non-interference and of having friendly relations with neighbouring countries, the Republic of Djibouti has never sheltered or supported terrorist entities.

In that regard, concerning the financing of terrorism and international cooperation, please refer to the chapter on sanctions of the Act on Money-Laundering, which punishes the conversion, transfer, concealment of the nature of proceeds from crimes; and the possession, use or search for financing for terrorist activities, as well as to title V on international cooperation. Chapter I of the latter concerns requests for mutual assistance in criminal matters; chapter II concerns extradition, while chapter III is on provisions common to requests for mutual assistance in criminal matters and extradition.

As far as paragraph 2 (b) is concerned, please refer also to the response below.

Paragraph 3

Please outline the measures and procedures adopted or proposed to be adopted to meet the requirements of subparagraphs 3 (a), (b) and (c) of the resolution.

In order to address the concerns expressed in paragraph 3 (a), (b) and (c) of resolution 1373, the Government began by taking administrative measures to ensure the safety of persons and property in the event of a terrorist act; these include:

- Strengthening police procedures at border points (air, land and sea);
- Providing adequate training for the airport, frontier, Government services, immigration and criminal investigation police;
- Strengthening security at public buildings and other structures, diplomatic missions and military bases;
- Strengthening the detection and prevention capacities of security officers in cooperation with friendly countries which have experience in this field, such as France and the United States of America; and
- Organizing awareness-raising workshops for judges and officers of the Gendarmerie and the national police.

In light of the presence of the counter-terrorism coalition in the territory of Djibouti, the exchange of information between the national security services and friendly countries (such as France and the United States of America) and with the International Criminal Police (Interpol) has also been strengthened.

For example, the airport and frontier police, which interrogates foreigners in possession of forged documents or forged visas, has arrested such persons and reported the incidents to the embassies of the countries in question and to the national office of Interpol.

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Djibouti in:

- **becoming a party to the instruments to which it is not yet a party; and**
- **enacting legislation, and making other necessary arrangements, to implement the instruments to which it is a party.**

With respect to the following table on counter-terrorism conventions and protocols, the National Counter-Terrorism Committee is reviewing all the legal instruments to which Djibouti is not a party in order to make recommendations to the Government, which will submit them for approval by Parliament. The Republic of Djibouti is also a party to the Rome Statute of the International Criminal Court.

Titles of the conventions	*Signature by Djibouti*	*Ratification by Djibouti*	*Entry into force*
1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14/09/63	10/06/92	08/09/92	04/11/63
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16/12/70		24/11/92	14/10/71
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23/09/71		24/11/92	26/01/73
4. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24/02/88	No	No	06/08/89
5. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14/12/73	Yes	No	20/02/77
6. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17/12/79	No	No	03/06/83
7. Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna on 03/03/80	No	No	08/02/87
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10/03/88	No	No	
9. Protocol to the previous Convention on the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10/03/88	Yes	No	06/08/89

Titles of the conventions	*Signature by Djibouti*	*Ratification by Djibouti*	*Entry into force*
10. Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal on 01/03/91	Yes	No	21/06/98
11. International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on 15/12/97	No	No	23/05/01
12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 09/12/99	15/11/01	No	Not yet
13. Arab Convention on the Suppression of Terrorism	22/04/98	21/10/01	21/11/01
14. OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14/07/99	No	No	
15. Vienna Convention on the Law of Treaties, done at Vienna on 23/05/69	No	No	

Please outline the measures in place to ensure compliance with subparagraphs 3 (f) and (g) of the resolution.

In accordance with international law and with its domestic legislation, the Republic of Djibouti takes all necessary precautions in considering requests for asylum on a case-by-case basis. This asylum request procedure is implemented by the Ministry of the Interior, which is responsible for taking a decision on applications for refugee status and considers them on a case-by-case basis after a full investigation; these requests are extremely rare and concern only politically motivated migration within the subregion.

Is there a law on extradition in Djibouti, or is extradition governed only by bilateral treaties?

Djibouti's Penal Code includes extradition regulations; the general principles in that area are contained in articles 533 to 562 of the Code, which are annexed hereto.

In addition to these general principles, the Republic of Djibouti has also concluded extradition conventions with the following States: France, the Federal Democratic Republic of Ethiopia and Yemen.

In that connection, the Republic of Djibouti is also a party to the Rome Statute of the International Criminal Court.

Paragraph 4

Has Djibouti addressed any of the concerns expressed in paragraph 4 of the resolution?

One of the principal reasons for the adoption of the Act on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds of crimes is to address this concern since transnational organized crime, money-laundering and terrorist acts are intrinsically linked and terrorism can be prevented by preventing the financing thereof. The Republic of Djibouti is an active participant in efforts to combat terrorism at the regional, continental and international levels.

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Security Council

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Letter dated 14 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 13 November 2002 (S/2002/1231).

The Counter-Terrorism Committee has received the attached supplementary report from the Islamic Republic of Mauritania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-34489 (E) 080503 150503

Annex

[Original: French]

Note verbale dated 31 March 2003 from the Permanent Mission of Mauritania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Islamic Republic of Mauritania to the United Nations in New York presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, with reference to its note verbale of 10 January 2003, has the honour to transmit herewith the report on the legislative and other measures taken by the Mauritanian Government to implement the provisions of Security Council resolution 1373 (2001) (see enclosure).

Enclosure

Supplementary report requested by the Counter-Terrorism Committee

Paragraph 1

Legislative and other measures taken to comply with the provisions of paragraph 1 of resolution 1373 (2001).

Subparagraphs a, b, c and d

The Constitution of 20 July 1991 of the Islamic Republic of Mauritania bans all forms of physical and mental violence. All the legislation and regulations in force (article 13, final paragraph) concerning the establishment and functioning of political parties, the media, non-governmental organizations and associations also prohibit the acquisition or handling in any way of assets or funds deriving from suspicious sources, in particular from clandestine or terrorist organizations.

For example, Act No. 9337 of 20 July 1993, concerning the suppression of the production, trafficking and illicit use of psychotropic substances has been taken as the starting point and has provided the institutional framework for combating organized crime and terrorism.

Mauritania has ratified or is in the process of ratifying the following international conventions in that area:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted at New York on 14 December 1973;
- International Convention against the Taking of Hostages, adopted at New York on 17 December 1979;
- International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted at New York on 4 December 1989;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;
- International Convention for the Suppression of Terrorist Bombings, adopted at New York on 15 December 1997;
- International Convention for the Suppression of the Financing of Terrorism, adopted at New York on 10 January 2000;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;
- OAU Convention on the Prevention and Combating of Terrorism and Plan of Action, adopted at Algiers on 14 July 1999 and the related Plan of Action adopted at Algiers on 11 September 2002;

Mauritania is also a party to the following international legal instruments and declarations of principle:

- The Dakar Declaration against Terrorism of October 2001;
- The Declaration and Plan of Action on Drug Abuse Control and Illicit Drug Trafficking in Africa.

In order to deal with a phenomenon heretofore unknown in Mauritania, the Mauritanian Government has finalized the technical aspects of a plan for a police force to combat financial crime, covering all forms of circulation of suspicious funds. The establishment of such a force will require legislation and the corresponding regulations, which will define the offences and applicable penalties.

Paragraph 2

Subparagraphs a, b, c, d, e, f and g

The Mauritanian Government is presently taking a number of steps with regard to immigration management, in two main areas:

The first entails a review of the legislation and regulations currently in force with a view to making them tighter and more in keeping with the provisions of resolution 1373 (2001).

The Mauritanian Government is also concerned with establishing structures, mechanisms, bodies and resources capable of implementing the directives and general guidelines of the resolution. To that end, it is undertaking a series of studies on the reorganization of government agencies and is mobilizing substantial resources to be used for the training of staff and the establishment of structures to be entrusted with such responsibilities.

The above-mentioned measures and efforts reflect the determination of the Mauritanian Government to comply with the resolution, a determination already demonstrated by its regular exchange of information with all the security services of the countries concerned.

Competence of the courts to deal with the following offences

(a) Offences committed within Mauritania by any person (whether that person is currently present in Mauritania or not).

The Penal Code sets penalties for the principals, accomplices and accessories of any offence committed within Mauritania by any person residing therein or a fugitive from justice.

(b) The Penal Code also sets penalties for any person of Mauritanian nationality who commits an offence abroad if the law of the host country makes such an act punishable; the Code also sets penalties for any person of another nationality who commits an offence in Mauritania or as a fugitive from justice.

(c) Any person of foreign nationality who commits an offence abroad and is residing in Mauritania is subject to proceedings under two conditions:

(1) Provided the reprehensible acts of which the person is accused are defined and punishable under Mauritanian criminal law as well as under foreign law;

(2) Provided the commission of the act termed a crime or offence has been established by a final decision of the foreign courts.

Paragraph 3

Mauritania has not signed any bilateral agreements to prevent and suppress terrorist attacks. However, Mauritania is a party to nearly all the conventions related to the combating of terrorism, and it has signed bilateral treaties on extradition and mutual legal assistance with other countries.

Mauritania is planning to move forward rapidly with the establishment of a police force to investigate and suppress financial crime, which entails setting up its organizational structure and promulgating the corresponding legislation and regulations.

Cooperation with the International Criminal Police Organization (Interpol), of which Mauritania is a member, takes place at all levels and with all member States on a normal, regular basis.

With regard to the 12 relevant international conventions and protocols, Mauritania has ratified some and is preparing to initiate the process of ratifying the others.

The extradition procedure is governed by national criminal law and by bilateral and international conventions.

Paragraph 4

Mauritania has ratified the Convention on Chemical Weapons and the Pelindaba Treaty on the denuclearization of Africa.

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Security Council

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Letter dated 14 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 14 August 2002 (S/2002/952).

The Counter-Terrorism Committee has received the attached supplementary report from Belize, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33983 (E) 140503

Annex

Letter dated 7 April 2003 from the Permanent Representative of Belize to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I refer to our letter of 24 April 2002 wherein you sought further information regarding Belize's first report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001). Belize's supplementary report, responding to the questions set forth in the aforementioned letter, is attached hereto (see enclosure).

I should be grateful if the text of the present letter and its enclosure could be circulated as a document of the Security Council.

(*Signed*) Stuart W. **Leslie**
Ambassador
Permanent Representative of Belize

Enclosure

Information pertaining to Belize's report to the Counter-Terrorism Committee pursuant to UN Security Council resolution 1373

4th April 2003

Sub-paragraph 1 (a)

Could Belize please report on progress with the enactment of the UN Resolutions and Conventions (Enforcement) Act and of measures proposed to strengthen the Money Laundering (Prevention) Act in order to freeze the assets of terrorist?

The UN Resolutions and Conventions (Enforcement) Act 1 of 2002 was incorporated into the Laws of Belize on 26th February, 2002.

The Money Laundering (Prevention) (Amendment) Act 5 of 2002 was incorporated into the Laws of Belize on 26th February 2002. The Act specifies terrorism as one of the offences. It establishes improved provisions to combat terrorism and provides for prompt freezing of funds and other financial assets of terrorists and money launderers. The Act provides for a comprehensive definition of terrorism based on the UK legislation. There is specific provision, modeled after the UK's, to freeze the funds of persons connected with terrorism.

Sub-paragraph 1 (b)
This sub-paragraph requires the criminalisation of the provision or collection of funds, etc., which support terrorist activities. Could Belize please indicate whether legislation exist which allows the criminalisation of these acts?

Section 3A of the Money Laundering (Prevention) (Amendment) Act provides for the criminalisation of acts of terrorism and makes any person engaging in such acts liable to conviction.

Sub-paragraph 1 (c)
Does the freezing of "funds" by notice of Supervisory Authority, as referred to in sectio 11A of the Money Laundering Law, include the freezing of financial assets and economic resources?

The Money Laundering (Prevention) (Amendment) Act under Section 23 authorizes the Supervisory Authority to take such action as may be appropriate including the freezing of funds and other financial assets or economic resources of any person to comply with or give effect to a resolution of the Security Council of the UN adopted under Chapter VII of the UN Charter.

Sub-paragraph 1 (d)
This sub paragraph requests countries to prohibit their nationals and any other persons or entities within their territories from making funds or other financial assets or economic resources or financial or other related services available to support terrorism. Please explain whether the proposed United Nations Resolutions and Conventions (Enforcement) Act incorporates these requirements?

The Money Laundering (Prevention) (Amendment) Act prohibits persons from facilitating, participating, financing, etc. terrorist activities.

The report states that financial institutions are being encouraged to implement new measure in compliance with international standards to combat terrorism. Please describe the measures that institutions in Belize have taken?

Financial institutions have been instructed to regularly report any suspicious transactions and to closely monitor any irregularities. On-site bank inspections are also provided where required. Financial institutions or persons failing to comply with the direction or instruction of the Supervisory Authority may be liable to summary conviction or imprisonment.

Are natural or legal persons other than banks (e.g. attorney, notaries and other intermediaries) required to report suspicious transactions to the public authorities, and if so, what penalties apply if such persons omit to report either wilifully or by negligence?

Legal persons and service providers are required under the Money Laundering (Prevention) Act to report suspicious transactions.

Sub-paragraph 2 (a)
Please indicate whether any existing legislation prohibits recruitment to terrorist groups. Please outline the relevant provisions of any such laws.

Belize does not have specific legislation prohibiting the recruitment to terrorist groups. Nevertheless, the Criminal Code of Belize, Chapter 101 of the Laws of Belize makes provision for the legal reprimand of persons found guilty of seditious libel, seditious assembly, unlawful military training, and causing public terror.

Sub-paragraph 2 (b)
Please describe Belize's mechanism for giving early warning to another country if Belize has information on a proposed terrorist act in that country?

In addition to the functions of the INTERPOL desk and other functions of Belize's Joint Intelligence Coordinating Center (JICC) of the Police Department as stated in the previous report, established diplomatic channels of communication are also utilized as an early warning mechanism.

Sub-paragraph 2 (e)
Are the relevant provisions of the Penal Code of Belize applicable in all the following circumstances:

Acts committed outside Belize by a person who is a citizen of, or habitually resident in Belize (whether that person is currently present in Belize or not);

Acts committed outside Belize by a foreign national who is currently in Belize?

The Money Laundering (Prevention) (Amendment) Act makes provision for persons outside Belize and for actions committed outside Belize which relate to acts of terrorism.

Please outline the relevant provisions of the Suppression of Terrorism Act referred to in the reply to this sub- paragraph.

There is no Suppression of Terrorism Act. Nevertheless, the legislations mentioned in this report address serious criminal offenses related to and specific to terrorism.

Sub-paragraph 2 (f)
Does the Extradition Act allow extradition for Belize on request of another country in the absence of a bilateral treaty with that country?

The Extradition Act does not allow for extradition from Belize on the request of another country in the absence of a treaty.

Sub-paragraph 2 (g)
Could Belize please provide the CTC with information on the mechanism of inter-agency cooperation between the authorities responsible for narcotics, financial tracking and security with particular regard to the border controls preventing the movement of terrorists?

The Central Bank of Belize is tasked with the responsibility of financial tracking. This entity is also responsible for liaising with the National Security Council.

Regretfully, the lack of requisite resources necessitate that the Immigration and Nationality Department of Belize still processes documents manually. Belize could benefit from improvements to facilitate the use of automated systems supported by a central data base.

The attached organogram depicts the Government of Belize's inter- agency administrative machinery responsible for cooperation and compliance to UN Resolution 1373.

Sub-paragraph 3 (a) and (b)
Please describe the mechanism Belize for exchanging operational information and cooperation with other countries on administrative and judicial matters.

Nationally, Belize maintains good collaboration and liaison mechanisms with relevant Ministries and Departments of Government for the cooperation on administrative and judicial matters and for the exchange of operational information.

Internationally, Belize cooperates regularly with other countries and entities in the exchange and provision of information on such matters. Further, Belize signed a Mutual Legal Assistance Treaty (MLAT) with the United States of America in September 2000.

Sub-paragraph 3 (c)
Please provide a list of bilateral agreements entered into by Belize, other than that entered into with the US.

Belize does not currently have any other bilateral agreement other than the MLAT with the United States of America.

Sub-paragraph 3 (e)
Please outline how Belize has implemented in its domestic legislation the relevant international conventions and protocols relating to terrorism which it has ratified.

The United Nations Resolutions and Conventions (Enforcement) Act enables the Minister of Foreign Affairs to make an Order containing such provisions as may be necessary to implement UN Security Council resolutions which are passed in accordance with Chapter VII of the UN Charter. Every such Order shall be submitted to the National Assembly of Belize.

When does Belize intend to ratify the remaining three conventions?

Belize is currently considering ratification to the remaining conventions. Pending a positive decision, the Government of Belize will commence its ratification process in accordance with constitutional requirements.

Sub-paragraph 3 (g)
Can extradition from Belize of persons connected with terrorist act be denied on grounds of political motivation?

Extradition from Belize in connection with terrorist acts can not be denied on grounds of political motivation.

Paragraph 4
Has Belize addressed any of the concerns expressed in paragraph 4 of the resolution?

With respect to paragraph 4, Belize interacts with INTERPOL and cooperates fully with other countries on both the regional and international level to coordinate and strengthen global response to this serious challenge and threat to international security.

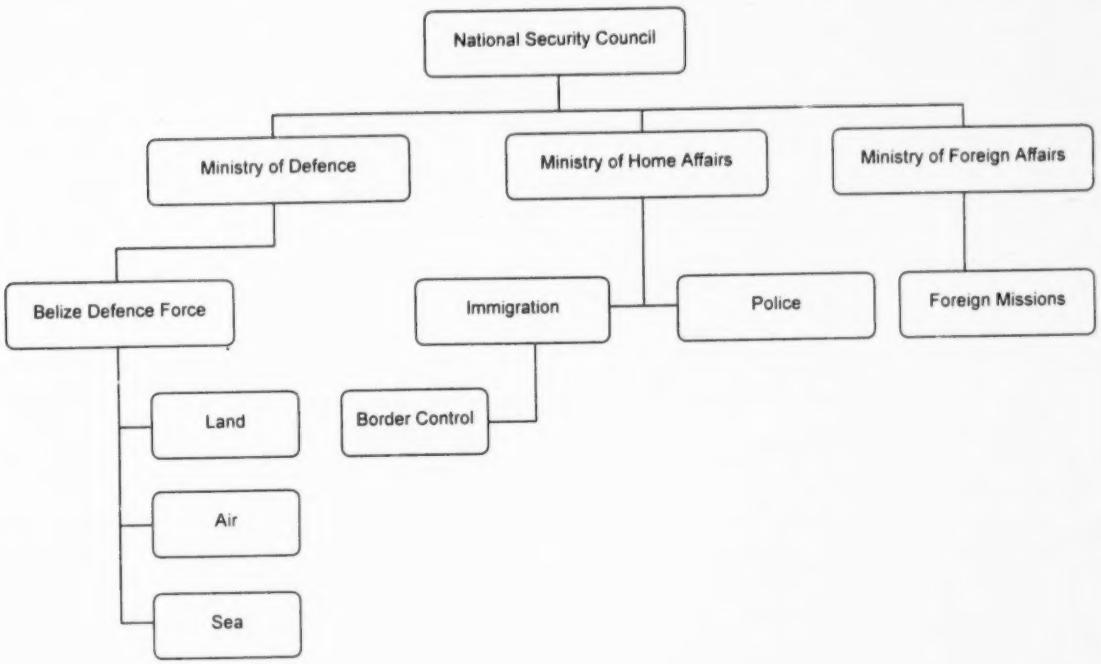
Belize has recently enacted the Financial Intelligence Unit Act 35 of 2002 in a continued effort to fight organised crime. The Unit is headed by a Director and is charged with the responsibility for the investigation and prosecution of money laundering and other financial crimes.

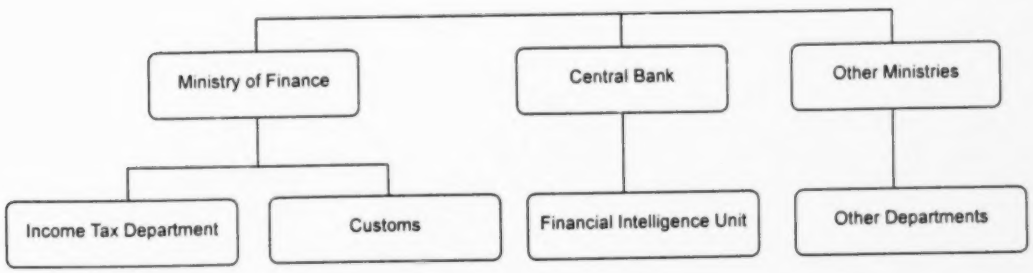
Other matters

The Government of Belize places high priority on the issue of combating terrorism. Unfortunately, the shortage of human and financial resources required for the proper implementation of various resolutions presents a continuous barrier to progress.

Attachment

Government of Belize's Administrative machinery responsible for compliance with resolution 1373 (2001)





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Letter dated 15 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/809).

The Counter-Terrorism Committee has received the attached supplementary report from the Kingdom of Cambodia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-34748 (E) 200503

Annex

Letter dated 13 March 2003 from the Permanent Representative of Cambodia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government and with reference to your letter of 24 June 2002, I have the honour to forward herewith the supplementary report of the Royal Government of Cambodia to the Counter-Terrorism Committee of the Security Council pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

(*Signed*) Ouch **Borith**
Ambassador
Permanent Representative

Enclosure

Supplementary report on the implementation of paragraph 6 of resolution 1373 (2001) presented by the Kingdom of Cambodia to the Counter-Terrorism Committee

Paragraph 1

1. Concerning the legislative provisions and procedure for monitoring suspicious financial transaction, the National Bank of Cambodia has issued a regulation (Prakas) on October 21, 2003, to deal with all kind of transactions.

This regulation requires those all-banking and financial agencies to monitor and determine identification of customers and their activities, especially on activities/ matters that might be related to money laundering. The opening of anonymous account must absolutely be prohibited while opening account of those entities which have no prove of operations related to their activities must be restricted. A person or entity shall provide clear and permanent identity of shareholder in relations to any financial and banking transaction activities. The banking and financial entities shall register and keep all records or files of those transactions in the amount of, or more than, 40 million riels (or of foreign currencies equivalence) for the period of 10 years. All banking and financial agencies shall report immediately to the National Bank of Cambodia with regard to any suspicious financial transaction that is in violation of the relevant laws and regulations of Cambodia.

2. Any banking or financial agency that has failed to comply with Regulation (Prakas) relating to the Procedure for Identification regarding activities/matters related to money laundering shall be punished in accordance with Article 52 and 55 of the Law on Banking and Financial Institutions.

According to Article 52 of this Law, the sanctions include warning, reprimand, prohibition of the execution of certain operations and any other limitations on the carrying on of business, temporary suspension of one or more of the executives (with or without appointment of a provisional administrator,) compulsory resignation of one or more of the executives (with or without appointment of a provisional administrator,) setting up provisional administration, withdrawal of the license and liquidation. The supervisory authority may, either in place of or in addition to these sanctions, impose a fine not exceeding the minimum capital of the covered entity.

Furthermore, according to Article 55 of the Law on Banking and Financial Institutions, the sanctions include imprisonment from 1 to 5 years and/or imposing fine from one million to ten million riels. (1US$ = 4,000 riels, approximately.)

3. In addition, since the 11th of September 2001, the National Bank of Cambodia has issued 11 regulations to all banking and financial entities (national and foreign) to freeze all funds and other financial assets and prohibit operation of persons/entities that are connected with the terrorist attacks in the United States, if any. The National Bank has also instructed these banking and financial entities to report back any suspicion or any eventual operation of person or entities, in connection with terrorist activities. In compliance with the Security Council Resolution, The National Bank of Cambodia has sent lists of terrorists and their organizations to all banking and financial entities. So far, there is no report indicating the existence of terrorist-related transactions/operations in Cambodia.

Paragraph 2

1. The National Police is the principal institution which assumes overall responsibilities for combating terrorism through direct coordination with relevant agencies, such as

- The National Authority for Combating Drugs (NACD)
- Immigration Department
- The Department of Financial Supervision
- The Department of Security

2. These Agencies have the primary responsibilities in border control to prevent movement of terrorists, to prepare the "blacklist" of the information from the Interpol or other relevant agencies, and to update the "blacklist" regularly for the purpose of tracking down any person or entity found suspicious in connection with international terrorism activities. The National Police has taken serious measures and implemented procedures to identify those going in and out at the international checking points. Any movement of those who bear possibility of inclusion on the "blacklist" will be reported speedily to the above agencies for further investigation.

Paragraph 3

1. With respect to the legislation or provisions in which matters related to counter-terrorism are involved, Cambodia has enacted the following laws and regulations:

- Law on the Punishment of Terrorism Activities declared by Decree No. 10 Kr of 7 February1992, during the State of Cambodia
- Provisions relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period of 1992
- Law on Drug Control of 9 December 1996 (Chapter 6 contains provisions on prevention and detection of money laundering generated from drug trafficking)
- Circular No. 08 SR 97 of August 15, 1997, of the Ministry of Justice, on ownership, use, concealment and transport of illegal explosives
- Letter 978 of September 10, 1997, on principles and guidance to suppress crimes and other illegal acts

2. In addition, Cambodia has entered into the following Bilateral and Multilateral agreements:

- Agreement on Cooperation between the Ministry of Interior of Cambodia and the Ministry of Interior of Viet Nam, signed on March 14, 1997
- Exchange of Notes between the National Police of Cambodia and Federal Police of Australia on the establishment of Joint-Commission for investigation of illegal border crossing, signed on June 5, 2002, in Phnom Penh
- Memorandum of Understanding (MOU) between the Ministry of Interior of Cambodia and the Ministry of Public Security of Laos PDR, signed on July 27, 2002
- Accession by Cambodia to the Agreement on Information Exchange and Establishment of Communication Procedure on July 30, 2002 at the 35th ASEAN Ministerial Meeting (AMM) in Brunei Darussalam
- Memorandum of Understanding (MOU) between the Royal Government of Cambodia and the Government of the United States on assistance in matters related to border control for preventing terrorism, signed on November 20, 2002
- Cambodia is a member of ASEANAPOL (ASEAN Chiefs of Police) and has regularly participated in annual conference of this organization. Cambodia has always declared its full support for and cooperation in matters related to counter terrorism.

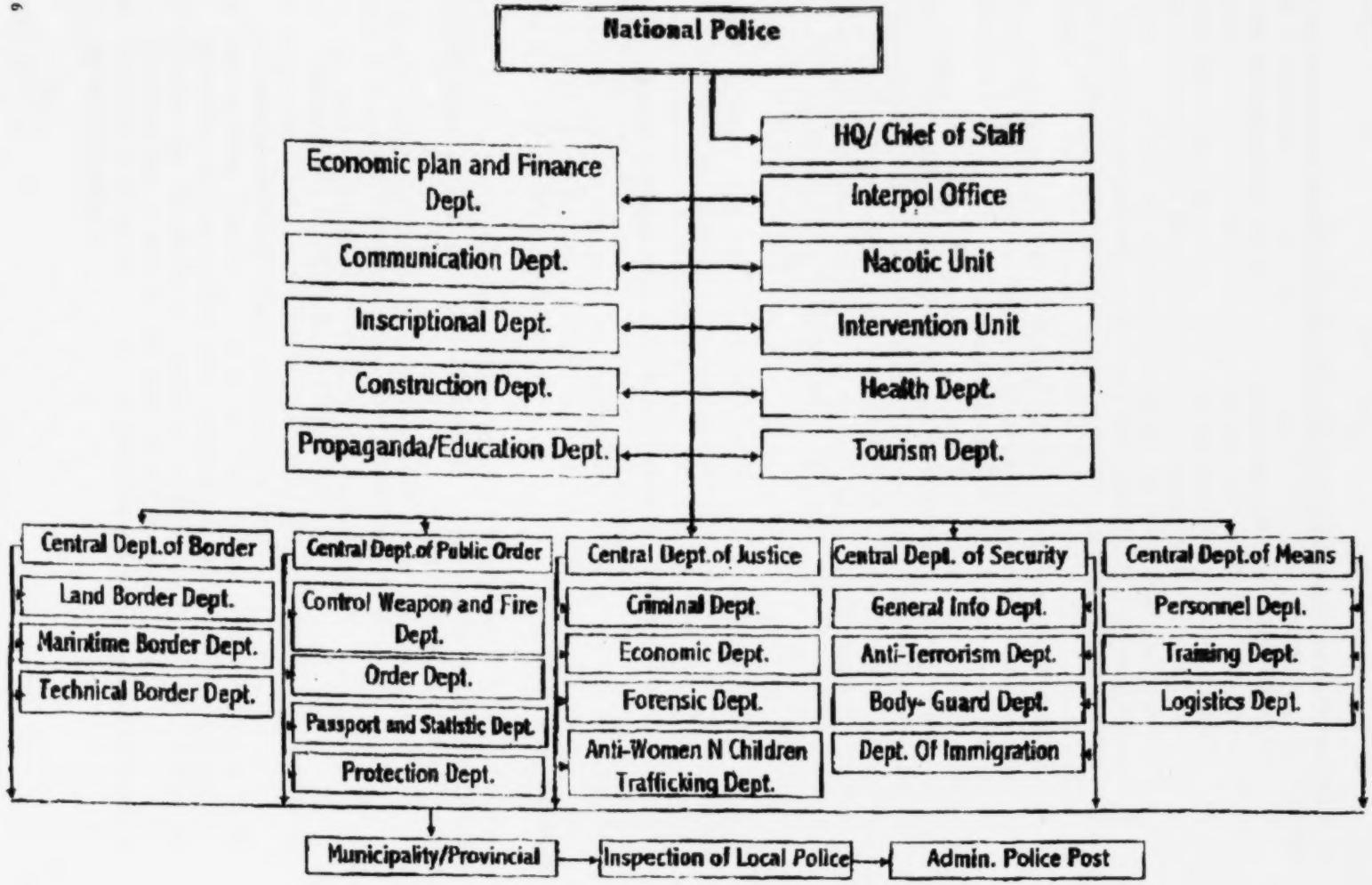
Paragraph 4

1. Please find attached herewith the Organizational Chart of the National Police of Cambodia

Other matters: "Assistance"

1. It will be greatly appreciated if assistance could be provided to Cambodia to enable further and effective implementation of Resolution 1377 as well as other relevant Resolutions of the Security Council.

Attachment


National Police
HQ/ Chief of Staff
Economic plan and Finance Dept.
Interpol Office
Communication Dept.
Nacotic Unit
Inscriptional Dept.
Intervention Unit
Construction Dept.
Health Dept.
Propaganda/Education Dept.
Tourism Dept.
Central Dept.of Border
Land Border Dept.
Maritime Border Dept.
Technical Border Dept.
Central Dept.of Public Order
Control Weapon and Fire Dept.
Order Dept.
Passport and Statistic Dept.
Protection Dept.
Central Dept.of Justice
Criminal Dept.
Economic Dept.
Forensic Dept.
Anti-Women N Children Trafficking Dept.
Central Dept. of Security
General Info Dept.
Anti-Terrorism Dept.
Body- Guard Dept.
Dept. Of Immigration
Central Dept.of Means
Personnel Dept.
Training Dept.
Logistics Dept.
Municipality/Provincial
Inspection of Local Police
Admin. Police Post

United Nations S/2003/487

Security Council

Distr.: General
28 April 2003

Original: English

Letter dated 15 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 September 2002 (S/2002/1010).

The Counter-Terrorism Committee has received the attached supplementary report from the Kingdom of Nepal, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-34761 (E) 190503

Annex

Letter dated 31 March 2003 from the Permanent Representative of Nepal to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Further to our letter of 28 December 2001 containing the report presented by His Majesty's Government of Nepal pursuant to paragraph 6 of resolution 1373 (2001) (S/2001/1326, annex) and with reference to your letter dated 30 August 2002, I have the honour to enclose the supplementary report on measures taken by the Government to control terrorism (see enclosure).

(*Signed*) Murari Raj **Sharma**
Ambassador
Permanent Representative

Enclosure

The following is the supplementary information from His Majesty's Government of Nepal in response to the communication dated 30 August 2002 from the Chairman of the Counter-Terrorism Committee (CTC) addressed to the Permanent Representative of Nepal to the United Nations.

Paragraph 1

Point 1: Does Nepal have any provision for regulating informal banking networks? Please outline such provisions.

There are the following provisions that directly and indirectly help regulate informal banking networks:

1. The Nepal Rastra Bank Act, 2058 (2002) provides that no banking transaction shall take place without the authorization from the central bank. Any contravention of this provision is punishable by the Act.

2. Under section 3 (1) (f) of the Terrorism and Disruptive Activities (Control and Punishment) Act, 2058 (2002), any act to forcefully collect cash or goods-in-kind, to loot property for the purpose of committing any terrorist and disruptive crime is punishable with imprisonment.

3. The same Act under section 5 (7) provides that security officials, if they have adequate and reasonable grounds to believe that an individual has been involved in terrorist and disruptive crime, may suspend the bank account or passport of such individual.

4. Under section 14 (1) of the same Act, any property, equipment, or vehicle used to commit terrorist and disruptive crime shall be confiscated.

5. The Revenue Intelligence Department, under the Ministry of Finance, is charged with the responsibility of monitoring informal banking activities such as transfer of foreign currency, financial transactions and related matters.

6. The Union and Association Registration Act provides that all social or financial institutions or firms, whether big or small, may be established only after obtaining prior authorization of His Majesty's Government of Nepal.

7. Similarly, the Income Tax Act provides that all individuals, companies and corporations have to declare their income as well as the source thereof within three months after the completion of each fiscal year.

Point 2: Please explain how Nepal proposes implementing subparagraphs 1 (b) to (d) of the resolution.

The following provisions exist in the Terrorist and Disruptive Activities (Control and Punishment) Act to implement the above subparagraphs:

1 (b) As provided for in section 10 (6), those who are found involved in terrorist and disruptive crimes will be imprisoned for a period that may range from 5 to 10 years.

1 (c) Section 5 provides that the bank account of a suspected terrorist can be frozen.

1 (d) Section 3 of the same Act has a provision whereby no one can forcibly collect funds including in kind. Similarly, any property, equipment or means used for terrorist or disruptive purposes will be confiscated.

Point 3: In particular, could Nepal please provide an outline of the legislative provisions and procedures that exist for monitoring suspicious financial transactions apart from those mentioned in the report. Are there any legal reporting obligations on financial institutions and other intermediaries (such as lawyers, notaries) that contribute to the prevention of economic and financial operations with terrorist or other criminal aims? What are the penalties attached to non-compliance with any such legal obligations?

The monitoring of suspicious financial transaction is done as follows:

1. As provided under Points 1 and 2 above, through legal and monitoring measures.

2. There are legal provisions under which all financial institutions have to report to the Nepal Rastra Bank (central bank) on their financial transactions on a periodic basis on all their transactions, including the suspicious ones. If financial institutions do not comply, the central bank has the right to invoke the provisions of the Nepal Rastra Bank Act and take punitive measures.

Point 4: The CTC would be interested to know, with regard to subparagraph 1 (c), the legal basis on which Nepal freezes financial assets or economic resources which are lawful in origin or which, although not in legal terms the property of alleged terrorists organizations, may be used by them.

As mentioned under point 1 and 1 (c) above, His Majesty's Government and its agents can freeze the financial assets and economic resources under the Terrorist and Disruptive Activities (Control and Punishment) Act.

Subparagraph 2 (a):

The CTC would be grateful for a detailed outline (or, if available, a copy of an English text) of the *Terrorism and Disruptive Activities Control and Punishment Ordinance 2058 (2001)* and a progress report regarding its adoption by the Parliament.

The Terrorism and Disruptive Activities (Control and Punishment) Act 2058 (2002) is being translated into the English language. A copy of the translation will be made available to the Committee when it becomes available in English.

Subparagraph 2 (b):

Point 1: Please provide the CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists.

A Narcotics Control Unit under the Ministry of Home is at work trying to curb trafficking in narcotic drugs and money laundering associated with the drugs. The Unit works in cooperation with such agencies as the police, customs, revenue intelligence, and district administration throughout the country. The Home Ministry

coordinates such activities. District administration together with police is responsible for border controls, and in key places army personnel have also been deployed to prevent smuggling and the movement of narcotics and to check suspicious movement of terrorists.

Point 2: Which Nepalese institutions are responsible for providing early warning to other States?

The institutions with responsibility for providing early warning may broadly be listed as the Home Ministry, Defense Ministry, Royal Nepalese Army, Nepal Police, Bureau of Intelligence, the Centre for Vigilance (newly created), Customs, and the Department of Revenue Intelligence.

Subparagraph 2 (c):

Please elaborate on how the provisions of the Extradition Act are instrumental in implementing subparagraph 2 (c) of the resolution. Please provide the CTC with examples of relevant action taken.

According to the Extradition Act, any person committing a crime in a foreign country and who is hiding in Nepal to evade justice could be brought to the fold of the Act so long there is a bilateral treaty on extradition or there is an obligation of extradition on the part of Nepal flowing from any multilateral instrument. As the Extradition Act requires the Government either to extradite or prosecute such an offender, it is implied that no criminal can enjoy safe heaven in Nepal nor any person who assists in financing such an offender could evade justice. Moreover, Nepal is a party to such international and regional conventions as Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Convention against the Taking of Hostages, SAARC Convention on Suppression of Terrorism, and others.

Subparagraph 2 (d):

According to the comment made under subparagraph 3 (f) of the report, any *"terrorist activity against Nepal or any other country from Nepal is punishable"* under the *Terrorism and Disruptive Activities Control and Punishment Ordinance*. Please outline how the Ordinance prevents terrorists acting from Nepal against other States or citizens.

The Terrorism and Disruptive Activities (Control and Punishment Ordinance which now has become an Act is an Act designed to control terrorist activities. Any criminal law, by virtue of its territorial application is applicable to all person in a country, irrespective of their nationality. Any person, whether a Nepali or a foreigner, committing an act of terrorism directed against Nepal or any other state or citizen from the territory of Nepal, is subject to the provisions of this Act and hence punishable.

Subparagraph 2 (e):

What is the competence of the courts of Nepal to deal with criminal acts of each of the following kinds:

- **An act committed outside Nepal by a person who is a citizen of, or habitually resident in, Nepal (whether that person is currently present in Nepal or not);**

– **An act committed outside Nepal by a foreign national who is currently in Nepal?**

– Section 4 of the Terrorist and Disruptive Activities (Control and Punishment) Act provides that any person who commits a terrorist and disruptive act targeting the Kingdom of Nepal staying outside the country shall be subject to the punishment under this Act as if such person committed that crime within the Kingdom of Nepal.

– Likewise, if a foreign national is within the territory of Nepal after the commission of a terrorist act outside the Kingdom of Nepal, he or she will be extradited or prosecuted in Nepal by virtue of the fact that for the purpose of the treaty, the provisions of a treaty to which Nepal has become a party upon ratification, accession, acceptance or approval, are applicable in Nepal in the same manner as the provisions of the national law. This provision is clearly envisaged in Section 9 of the Nepal Treaty Act.

Subparagraph 2 (f):

What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts has to be met? How long would it actually take in practice to implement such a request in Nepal?

(f) There is no time frame fixed by the existing laws.

Subparagraph 3 (c):

Has Nepal entered into bilateral agreements to prevent and suppress terrorist attacks and take action against perpetrators of such acts? With which countries has Nepal concluded bilateral treaties on extradition and mutual legal assistance?

1. Nepal has an extradition treaty with India concluded in 1953.

2. Provisions of the SAARC Convention on Suppression of Terrorism to which Nepal is a party are applicable with the force of a bilateral treaty in respect of extradition and mutual legal assistance.

Subparagraph 3 (d):

The CTC would welcome a progress report, in relation to the 12 relevant international conventions and protocols relating to terrorism, on:

– **The steps taken in order to become a party to the instruments to which Nepal is not yet a party;**

– **Progress made in enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.**

1. Nepal is in the process of becoming a party to the International Convention for Suppression of Terrorist Bombings, and International Convention for the Suppression of the Financing of Terrorism. Nepal is a signatory to the United Nations Convention against Transnational Organized Crime.

2. Section 9 of the Nepal Treaty Act stipulates that the provisions of an international treaty to which Nepal is a party by way of ratification, accession, acceptance or approval shall take precedence over the provisions of domestic laws for the purpose of the treaty.

Subparagraph 3 (e):

Have the offences set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the bilateral treaties to which Nepal is a party?

1. As mentioned in above paragraphs, all bilateral and multilateral treaties to which Nepal is a party assume the force of domestic law in cases where the domestic laws and the provisions of the international treaty are in conflict.

2. Most multilateral conventions have recognized offences under them as extraditable. Hence, those offences shall be considered as having been included in bilateral extradition treaties

Subparagraph 3 (f):

Please elaborate on the "verification mechanism". Is it established pursuant to domestic laws or regulations?

Under an executive decision, His Majesty's Government of Nepal, in collaboration with UNHCR, has established a verification post at the border point from which almost all Bhutanese refugees have entered into Nepal.

Subparagraph 3 (g):

According to Article I (e) of the SAARC Regional Convention on the Suppression of Terrorism (the SAARC Convention), a number of offences such as murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to weapons are not regarded as political offences, as offences connected with political offences or as offences inspired by political motives "*when used as a means to perpetrate indiscriminate violence*". Since subparagraph 3 (g) of the resolution requests States to ensure "*that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists*", please clarify whether the above-mentioned offences can be regarded in Nepal as political offences, as offences connected with political offences or as offences inspired by political motives when used in a non-indiscriminate manner.

Please also clarify whether the above-mentioned Article I (e) continues to be valid vis-à-vis the States Parties to the SAARC Convention and whether it reflects Nepal's State practice with regard to other States in view of the subparagraph 3 (g) of the resolution.

All offences enumerated in the SAARC Convention are considered not to be of a political nature. Hence, any offence enlisted therein is considered to be a terrorist offence and punishable accordingly.

Paragraph 4:

Has Nepal addressed any of the concerns expressed in paragraph 4 of the resolution?

His Majesty's Government of Nepal has taken the necessary measures to address the concerns relating to paragraph 4 of the Security Council resolution 1373 (2001). Nepal's accession to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances-1998 on 24 July 1991, Nepal's signatures to the Single Convention on Narcotic Drugs and Psychotropic Substances-1961 on 29 June 1987 and to the United Nations Convention against Transnational Organized Crime-2000 on 11 December 2002 are a testimony to our full commitment in this respect.

Other matters: Could Nepal please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution?

The organizational chart the administrative machinery of His Majesty's Government of Nepal will be forwarded to the Committee soon.

Assistance:

In view of the comment made in the report in relation to subparagraph 2 (g) of the resolution, it might be recalled that under Security Council resolution 1377 (2001) of 12 November 2001, the CTC has been mandated to explore ways in which States can be assisted, in particular to explore the availability of existing technical, financial, regulatory, legislative or other assistance programmes which might facilitate the implementation of resolution 1373 (2001). Please do not hesitate to specify in which areas Nepal would be interested in receiving such assistance.

Nepal needs, and will appreciate, assistance in the following major fields:

Training:

1. Training of trainers on anti-terrorism for police and military personnel.
2. Training of trainers on anti-terrorism for intelligence personnel.
3. Training of trainers on investigative skills to police and prosecutors.
4. Training to build capacity for detecting and tracking down suspicious flows of funds.
5. Training on drafting of legislative bills related to prevention and suppression of terrorism.
6. Orientation for judges and administrators who deal with the cases of terrorism.

Equipment and others:

7. Setting up of information systems and networking for effective anti-terrorism measures.
8. Equipment for strengthening intelligence.

United Nations S/2003/488

Security Council

Distr.: General
28 April 2003

Original: English

Letter dated 15 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 4 October 2002 (S/2002/1164).

The Counter-Terrorism Committee has received the attached supplementary report from the Republic of Zimbabwe, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-34885 (E) 210503

Annex

Note Verbale dated 31 March 2003 from the Permanent Mission of Zimbabwe to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Zimbabwe to the United Nations presents its compliments to the Chairman of the Security Council Counter-Terrorism Committee (CTC) and has the honour to submit Zimbabwe's second report in response to issues raised by the latter.

Zimbabwe is in the process of compiling a list of requirements that will enable us to patrol our borders more effectively as well as addressing other issues raised in the last part of the CTC questionnaire.

Enclosure

Zimbabwe's report to the Security Council Counter-Terrorism Committee

Para 1

Zimbabwe is not yet a state party to the International Convention for the Suppression of the Financing of Terrorism. We are currently in the process of taking the necessary measures so as to become a state party as well as being party to The International Convention for the Suppression of Terrorist Bombing, and the OAU Convention on the Prevention and Combating of Terrorism. Regarding the latter two, ratification instruments are being prepared while the former is still to go before parliament for approval. Owing to the fact that we are not yet a party to the instruments, we do not have specific legislation in place dealing with the combating, prevention or suppression of financing of terrorism. This does not mean that as a country we condone terrorism. In fact even though we have repealed the colonial Law and Order Maintenance Act, we have the same anti terrorism legislation incarnated in the Public Order and Security Act. Some of our domestic legislation however complies substantially with the provisions of both the resolution 1373 of 2001 as well as the Convention on the Suppression of Financing of Terrorism, though not at international level. Our Law and Order Maintenance Acts deals with aspects of terrorism, while our Serious Offenses (Confiscation of Profits) Act, although not making specific reference to terrorism, provides for the manner of dealing with, and the forfeiture of the proceeds of crime. A copy of the relevant Act, is attached for ease of reference. Once we have become a party to the Convention, we will domesticate the same through the enactment of compliance legislation as well as putting in place measures to implement and monitor the same.

We have no legal requirement for religious or cultural organizations to register, hence save where they opt to be registered welfare organizations, it is not possible to monitor their activities, as well as keep track of the use of their finances. We are however in the process of reviewing the registration and monitoring requirements for all private voluntary and welfare organizations are currently subject to the monitoring of the registering authority, but practically these have not been systematically monitored in the past.

So far, the above offences can be dealt with using the following legislation

- Serious Offences (Confiscation of Profits) Act (Chapter 9:17 – Parts II;III and V
  Criminal Matters (Mutual Assistance) Act (Chapter 9:06) – Parts III; and V
- Common Law Offence of Defeating or Obstructing the Course of Justice.

Ad para 2(a)

In Zimbabwe, the acquisition and possession of firearms is governed by the Fire Arms Act, [Chapter 10.09] and the Public Order and Security Act [Chapter 10.09]. It is an offence to own or possess a firearm or dangerous weapons or explosives without lawful authority. The transportation of firearms or artillery of any kind by air is an offence in terms of the Aircraft Offences Act while our Road Traffic Act [Chapter 13.11] and Road Motor Transport Act (Chapter 10:09) prohibit transportation by road. However, in order to counter the transportation by road of goods connected with terrorism, there is need to amend both legislation to allow the police who conduct roadblocks to inspect the goods on board a vehicle. As a SADC state, we are also a state party to the Protocol on Firearms. The country is set to become the Headquarters of the Regional Training Institute for the Training and Monitoring of Terrorist Activities.

Relevant legislation in this regard includes:

- Public Order and Security Act (Chapter 111:17) - Part II
- Firearms Act (Chapter 10:09)
- Explosive Act (Chapter 10:08)

b) There is a mutual state cooperation between Zimbabwe other SADC states, hence through our position of SARPCCO as well as being a member state of Interpol, there will be exchange of information on terrorist activities. The SADC Protocol on Defence and Security which we are a party to, gives room for the communication between states in the event of there being any threat of terrorist activities. Currently it is difficult for Zimbabwe to effectively detect acts of terrorism and there is need to come up with comprehensive and appropriate legislation, as well as strengthening the administrative machinery in dealing with, and communication with other states, cases of terrorism.

c) Zimbabwe is a state party to the 1951 Geneva Convention Relating to the Status of Refugees, the 1967 Protocol to the Status of Refugees as well as the 1969 African Convention Governing the Specific Aspects of Refugee Problems in Africa. The granting of refugee status is done by the Commissioner of Refugees after making through investigations and inquiries into the status of the applicant. Such investigations include immigration and Interpol search and any person who has committed a crime against peace, or a war crime, or a crime against humanity as defined in any instrument to which Zimbabwe is a party, or has violated any of the principles of the United Nations, among other things will not be granted refugee status. Thus persons who are perpetrators, accomplices or accessories to the crime of terrorism are not granted refugee status in Zimbabwe.

d) There are no specific legislative measures in place in this regard as we are not yet a state party to the convention. The same applies to the use of Zimbabwe's territory for the purposes of terrorist activities outside Zimbabwe. However as previously stated above, we are in the process of having the Convention ratified by our Parliament, as it is only after such adoption that we can effect its provisions and fully harness the problem of terrorism.

e) While we have admitted that we have not yet become a state party to the Convention on the Suppression of Financing of Terrorism, we have analyzed our legislation to ascertain the extent to which it complies with the Convention, and state that we have provisions in place necessary to implement certain provisions of the Convention and also ensure that the jurisdiction of our courts and the administration of justice is enabled to bring to trial perpetrators of terrorist acts and cooperate with and provide support to other state parties and relevant international and regional organizations more particularly with subparagraph2(e) of the resolution. Once we have become a state party to the instrument there will be need for us to either amend our existing Serious Offences (Confiscation of Profits) Act (Chapter 9:17) so that it covers the specific aspect of funding of terrorism under both serous offences or specified offences. In the same vein, sections of the Public Order and Security Act (Chapter 11.17), which cover various aspects of insurgency, banditry, sabotage and terrorism at domestic level, would have to be strengthened by incorporating the financing of terrorism and thus widen the jurisdiction of the Act. Another alternative would be to enact legislation specifically incorporating provisions of the Conventions, which however is more time consuming compared to amending the existing legislation.

Regarding the competence of Zimbabwe's courts over:

i) Acts committed outside Zimbabwe by a Zimbabwean national or resident, if such person is within Zimbabwe, he is dealt with in terms of the Extradition Act (Chapter 9:08), the Criminal Matters Mutual Assistance Act (Chapter 9:06), the Prevention of Corruption Act (Chapter 9:16) or the Serous Offences (Confiscation of Profits) Act. We have jurisdiction over a foreign national who commits an offence outside Zimbabwe and then comes to Zimbabwe but on request by the offended country, in accordance with the Extradition Act, or the Criminal Matters Mutual Assistance Act (Chapter 9:06) the person is repatriated to the country where he is required to stand trial. Further, Zimbabwe may assist another country in the gathering of evidence from within Zimbabwe.

f) Zimbabwe is a state party to the SADC Mutual Legal Assistance Protocol, the Criminal Matters Mutual Assistance as well as the Commonwealth Harare based scheme on mutual assistance.

g) The following agencies work hand-in-hand;
Zimbabwe Republic Police, Defence Forces, Immigration, National Parks, etc. There is training of personnel in both the public and private sectors, in particular members of the Police Force, the Banking sector and other stakeholders such as Immigration. Besides combined patrols manned by members of the ZRP and Defence Forces there are established and fully equipped and professionally manned border posts.

3(a), (b) and (c)

The SARPCCO and the Interpol are the current institutions through which there is exchange of information on crime in general and the same structures can be used for exchange of information on terrorism.

c) Extradition is in terms of Extradition Act (Chapter 9:08). The Act provides for the procedure of extradition of persons between Zimbabwe and other countries with which we have extradition agreements, or which have been designated for extradition purposes. Zimbabwe extradites a wanted person on the request made to the Minister for Home Affairs by the designated or reciprocating country against which the offence was committed. In the case of the wanted person being a national of Zimbabwe, the request for his surrender has to establish a prima facie case according to the law of Zimbabwe committed by him or for which he has been convicted by the requesting country. The government, on such country's reques: and on good cause shown can cause the provisional arrest of the person to be brought before the Magistrates court for a determination of whether to confirm the order or not. The offence for which the person is being sought for extradition has to fall within the agreement between Zimbabwe and the reciprocating country, or has to alternatively fall within the provisions of the Act, where the request has emanated from a designated country. The extradition has to be confirmed first by a court of law before the person can be handed over either for trial or for sentence. On handover of the person, any property on his person, which constitutes the offence, is also handed over to the foreign power. Further, the determination can be appealed against at the Supreme Court of Zimbabwe.

Zimbabwe has an extradition agreement with Mozambique and in terms of our Extradition Act, the following are designated as reciprocating countries for extradition purposes:

Antigua Barbuda
The Bahamas
Barbados
Bermuda
British Virgin Islands
Canada

Australia
Bangladesh
Belize
Botswana
Brunei Darussalam
Cayman Islands

Cook Islands
Dominica
Falkland Islands
Ghana
Grenada
Hong Kong
Isle of Man
Jersey
Kiribati
Malawi
The Maldives
Mauritius
Nauru
Nigeria
Niue
Papua New Guinea
St. Lucia
Seychelles
Singapore
South Africa
Tonga
Turks and Caicos
Uganda
Western Samoa
United Kingdom

Cyprus
Fiji
The Gambia
Gibraltar
Guyana
India
Jamaica
Kenya
Lesotho
Malaysia
Malta
Monserrat
New Zealand
Namibia
Pakistan
St. Helena
St.Vincent and the Grenadines
Sierra Leone
Solomon Islands
Swaziland
Trinidad and Tobago
Tuvalu
Vanuatu
Zambia

3(e) Since we are not yet a state party to the conventions under consideration, none of the offences are extraditable offences yet. However, it is still possible to extradite for the same under the provisions of the Extradition Act.

5(f) The Refugees Act. In Zimbabwe, all asylum seekers are vetted by the Refugees Committee before they are granted refugee status. The task of this Committee is to ensure that asylum seekers do not breach any International Conventions or Agreements. People on the International Court of Justice or any such body's wanted list are not granted refugee status. With the help of the UNHCR, checks of asylum seekers' background are done.

3(g) The issue of extradition for terrorism presents a problem because most transnational acts of terror are politically motivated.

Section 15 of our Extradition Act provides that: *'No extradition to a designated country shall take place in terms of this part: Provided that notwithstanding that an offence is of a political character extradition may be granted in respect thereof if it –*

i) is directed against the life or person of the head of state or government of any designated country; or

ii) involves hi-jacking of a vehicle, vessel or aircraft

iii) is an offence in terms of the Genocide Act (Chapter 9:20) or an attempt, conspiracy or incitement to commit such an offence'

It is therefore possible for extradition to be refused on political grounds in certain instances though it is our position that extradition should not be refused for international criminals.

Ad Para 4

- The Zimbabwe Republic Police is a member of INTERPOL and one of the reasons for joining INTERPOL is to share information with member states in terrorism, illicit drug syndicates, money laundering and arms trafficking.
- At Regional Level, Zimbabwe Republic Police is a member of SARPCCO.
- One of the main thrusts of SARPCCO is for each member state to share information with other member states.
- Zimbabwe is going to ratify the United Nations Convention against transnational organized crime and its protocol.
- At a recent Regional Ministerial Conference held in Algiers from the 29 – 30th of October 2002, Zimbabwe was fully represented by the Minister of Home Affairs.
- The Conference noted that there is a link between transnational organized crime, drug trafficking, money laundering and terrorism.

United Nations S/2003/489

Security Council

Distr.: General
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Letter dated 15 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 September 2002 (S/2002/989).

The Counter-Terrorism Committee has received the attached supplementary report from the Republic of Cameroon, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-34742 (E) 150503 160503

Annex

[Original: French]

Note verbale dated 31 March 2003 from the Permanent Mission of Cameroon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Cameroon to the United Nations in New York presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, with reference to its letter dated 24 February 2003, has the honour to submit herewith the supplementary report prepared by the Republic of Cameroon on national measures taken to combat terrorism.

Enclosure

Supplementary report submitted by Cameroon to the Security Council committee established pursuant to resolution 1373 (2001) concerning counter-terrorism*

* Enclosures are on file with the Secretariat and are available for consultation.

Paragraph 1

Subparagraph (a) — Which legal and natural persons are under an obligation to declare the foreign assets they hold in the territory of the Republic of Cameroon? Are legal and natural persons required to declare the assets they hold abroad? Please define the term "foreign assets".

All legal and natural persons residing in the country are under an obligation to declare all the foreign currency assets they hold in Cameroon within a period of eight days and to entrust them to the banking system. All resident legal and natural persons are obliged to declare and repatriate all their assets held abroad. "Foreign assets" means the product of direct investments abroad; the product of a sale abroad; remuneration for services provided abroad; and artists' fees and the earnings of sportspeople.

Which transfers are subject to foreign exchange controls and which are not?

All transfers of funds outside the franc zone are subject to foreign exchange controls by means of transfer authorizations issued by the monetary authority. However, under CEMAC's foreign exchange rules, all current transfers are carried out directly by the banks which are obliged to notify the monetary authority by submitting a declaration after the fact. As regards movements of capital, all transfers in excess of 100 million francs CFA continue to require the prior authorization of the monetary authority.

What penalties apply if banks fail to report suspicious transactions? Have sentences already been handed down for failure to report suspicious transactions?

In Cameroon, all transfers of funds in excess of 100 million francs CFA must be specifically authorized in advance by the Ministry of Finance and Budget. Credit institutions are obliged to report any suspicious transactions, in particular those involving unknown persons, excessively high amounts and funds of doubtful provenance. The evaluation of such cases is based on scrutiny of the supporting documents relating to each transaction. Administrative measures taken in respect of banks relate to the obligation to identify customers and economic beneficiaries. The arrangements currently being drawn up will allow the surveillance in particular of certain operations relating to amounts whose unitary or overall value exceeds 500,000 francs CFA. Particular vigilance is exercised in the case of electronic transfers of international or domestic funds. As far as enforcement is concerned, specific anti-terrorist legislation is currently being drawn up; this will allow account to be taken of cases in which no declarations of transactions relating to terrorism-funding operations have been made.

Do informal banking networks (such as Hawala) exist in Cameroon? Please outline the legal provisions regulating them, if any.

In Cameroon there are informal banking networks called "tontines" which are chiefly concerned with domestic savings. "Hawala" is unknown in Cameroon.

Does Cameroon intend to enact anti-money-laundering legislation?

On 28 October 1991 Cameroon ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted in Vienna on 20 December 1988, since it is convinced that action to combat money-laundering cannot be credible and fully effective unless all States introduce a legal framework based on the international norms and standards obtaining in this area. Cameroon is also a member of the Action Group against Money-Laundering in Central Africa (GABAC) which acts in accordance with the Action Plan against Money Laundering adopted by the United Nations General Assembly on 10 June 1998 and the recommendations issued by the Financial Action Task Force (GAFI). With the backing of these bodies, it is currently drawing up legislation to combat money-laundering.

Subparagraph (b) — Since Cameroon intends to ratify the International Convention for the Suppression of the Financing of Terrorism, the CTC would be grateful to receive a progress report regarding any proposed amendments to implement that Convention, particularly as regards Articles 2 and 4.

All implementing provisions in respect of the said Convention will be directly incorporated in the overall body of national legislation which Cameroon intends to draw up and adopt.

Subparagraph (c) — Please describe the procedure leading to the freezing of funds, other financial assets or economic resources suspected of belonging to terrorists or terrorist organizations.

The procedure may be initiated at the reasoned request of any person. In order to freeze funds or other financial assets or economic resources whose provenance appears suspicious, there is an administrative procedure that may be applied on case-by-case basis, either by the Central African Banking Commission (COBAC), or the monetary authority, on the basis of a declaration that irregularities are suspected. The monetary authority may also take legal action in the case of violations of the foreign exchange regulations following unannounced visits of credit establishments by Ministry of Finance officials. At a judicial level, infringements by the banks of the relevant professional and administrative rules may result in sentences entailing deprivation of liberty, fines and certain additional penalties such as forfeiture, closure of the establishment and confiscation (Penal Code, art. 19). Security measures may also be taken, entailing a ban on exercising the profession and relegation (see detailed reply in Cameroon's first report).

How is a request by a foreign authority to freeze funds etc. in Cameroon dealt with under Cameroon's domestic laws and regulations?

Any request by a foreign authority to freeze funds received through the diplomatic channel by the monetary authority of Cameroon is forwarded to the banking establishments for implementation. Where appropriate, a request may be made for mutual judicial assistance. At a judicial level, the Parquet (Public Prosecutor's Office) may, as soon as it is seized, order a provisional staying measure which it communicates to the financial body and the parties in question by any medium capable of delivering a written record. Such a measure shall, for a period of 48 hours which may be renewed once only, mean that the suspicious operation must

be suspended and that funds may not be made available or used for the benefit of suspicious persons.

Please explain how the control exercised over assets and accounts by the National Credit Council and the Central African Banking Commission (COBAC) can assist in the implementation of subparagraph (c) of the Resolution.

The Central African Banking Commission enjoys powers of control over all credit establishments in the zone. By virtue of these powers, it issues directives for the security of the banking system which all banks are required to comply with subject to closure.

Please provide the CTC with the list of alleged terrorists attached to the circular of the Minister of the Economy and Finance dated 14 December 2001. On which basis was the list compiled?

On the basis of the circular in question, a list of 27 legal and natural persons was transmitted to the credit establishments. This list, which includes organizations such as al-Qa'idah/Islamic Army, the Abu Sayyaf group, the Armed Islamic Group (GIA), Harakat ul-Mujahedeen (HUM) and the Islamic Movement of Uzbekistan (IMU), was forwarded to Cameroon by the Security Council to help it implement the resolution.

Subparagraph (d) — What is the legal basis and procedure for the approval or denial of public solicitations by the Ministry of Territorial Administration?

In Cameroon, the collection of funds though public solicitation is governed by Law No. 83/002 of 21 July 1983 concerning appeals for public donations and its implementing decree No. 85/1131 of 14 August 1985 laying down the conditions for granting authorization to appeal for public donations. These rules provide that any appeal for public funding must be authorized in advance on the basis of a dossier required by the regulations, which is submitted to the administrative authority, according to well-defined judicial categories. This applies in particular to public establishments, development committees, State-approved associations, foundations and establishments and religious groups. It should be pointed out that the authorization issued is valid only within the national territory. In the event of a refusal, a reasoned statement is issued to the applicant by any medium capable of delivering a written record.

How does the financial tracking system ensure that funds received by charitable, religious or cultural organizations otherwise than through public solicitation are not diverted from their stated purposes to terrorist activities?

Legislation has been enacted in respect of associations and non-governmental organizations. The aims of these bodies are regularly monitored, and any diversion from their stated purposes may entail appropriate administrative and judicial measures.

Paragraph 2

Subparagraph (a) — Could Cameroon please explain how it criminalizes the recruitment of members of terrorist groups both inside as well as outside Cameroon, as distinct from the criminalization of association with or membership in such a group?

The current context requires specific counter-terrorism legislation. However, the Penal Code contains provisions for addressing problems such as road-blockers and, in particular, armed bands (art. 115) and dangerous preparations (art. 248).

Please describe how the prohibition to acquire firearms without authorization is implemented in law as well as in practice.

Any purchase or possession of firearms requires written authorization from the Ministry of Territorial Administration. Decree No. 73/658 of 22 October 1973, article 20, calls for a fine and, in some cases, even a term of imprisonment, without prejudice to the application, where necessary, of articles 237 and 238 of the Penal Code and of the provisions of the Customs Code.

The application of these regulations entails unannounced inspections of stores which sell weapons and of weapons and explosives depots.

In which cases can weapons be acquired without an authorization from the administrative authority?

There are no exceptions to the rule that authorization for the acquisition of firearms must be issued by the administrative authorities or, in the case of temporary acquisition and entry of weapons, by Cameroon's embassies and consulates abroad. However, criminals sometimes acquire firearms through informal channels (organized crime, locally produced weapons, road-blockers and cross-border transfer). Only the Ministry of Defence may acquire weapons of war.

Please outline Cameroon's export control regime for weapons.

Since Cameroon lacks a military industry capable of producing firearms, it does not export them. However, since many foreigners residing there have temporary authorization for the import of weapons, such persons are prohibited from providing them to Cameroonians and from re-exporting them at the end of their stay. In order to prevent these weapons from being sold in Cameroon, their movement within the country is monitored. In addition, weapons, ammunition or explosives sometimes transit through Cameroon en route to neighbouring landlocked countries. In order to prevent illegal weapons trafficking and possession, such goods are escorted by the competent Cameroonian services from the port at which they are unloaded (Douala) to the border with the country in question.

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Cameroon, including, in particular:

- **The carrying out, within or from Cameroon, of recruiting, collecting of funds and soliciting of other forms of support from other countries;**

Existing legislation governing the activities of non-Cameroonian organizations requires them to obtain prior authorization from the Ministry of Territorial Administration, with the approval of the Ministry of Foreign Affairs. Such requests must specify, inter alia, the activities to be conducted, the location of the organization's premises in Cameroon and the name, profession and place of residence of each person in any way involved in such activities. These regulations make it virtually impossible for such an entity to depart from its initial purpose. Any organization which might be tempted to do so would incur the risk of imprisonment or fines, as applicable, particularly if it sought to violate the internal or external security of the State (arts. 31 and 33 of the Act of 19 December 1990 on freedom of association); the persons implicated could be extradited.

– Deceptive activities such as recruitment based on a representation to the recruit that the purpose of recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.

In addition to the above-mentioned measures, which are also relevant to this situation, it should be noted that foreign organizations operating under a front in Cameroon now fall within the scope of the general tax code of 19 April 2002, under which their activities in Cameroon are monitored. Mechanisms exist to prevent, identify and punish organizations operating under a front in order to perpetrate terrorist acts, but they may be strengthened under the new counter-terrorism act.

Subparagraph (b) — Which are the "specialized centres" in Cameroon responsible for providing early warning to other States?

The National Central Bureau (NCB-Interpol) and the Committee of Central African Police Chiefs (CCPAC) are the specialized centres responsible for providing early warning to all States of the subregion.

Please provide the Committee with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists.

The Committee would welcome a progress report on the "creation and formation of specialized units in the fight against terrorism".

Security staff meetings are held with the participation of all specialized departments responsible for mechanisms of inter-agency cooperation in the exchange of information and monitoring of drug traffickers, weapons transfers and movements of armed bands in Cameroon. Similar meetings are held at the provincial level in order to better combat such threats.

Three specialized units of the Cameroonian police, created by Presidential decree, are responsible for combating terrorism:

- The Special Operations Group (GSO) under the Office of the Director-General of Security;
- The Intervention and Investigation Service (SIR) under the Judicial Police; and
- The Intervention Service (SI) under the Border Police; its activities focus on ports, airports and border posts.

Another Presidential decree created the Multi-purpose Intervention Unit of the National Gendarmerie (GPIGN), whose responsibilities include maintaining and restoring public order, combating terrorism and organized crime, protecting sites of vital interest, providing an escort for sensitive goods and materials, transporting dangerous persons and carrying out sensitive reconnaissance missions.

Subparagraph (c) — Please provide the Committee with a copy of the legal provisions allowing police chiefs of border posts to deny entry into Cameroon to alleged terrorists, even when they are in possession of an entry visa.

Decree No. 2000/286 of 12 October 2000 sets forth conditions for foreigners' entry into, stay in and exit from Cameroon; the procedures for deportation, escort to the borders, extradition and expulsion contained therein allow police chiefs of border posts to deny entry into Cameroon to alleged terrorists, even when they are in possession of an entry visa issued by a Cameroonian embassy or consulate abroad, for reasons of security and public order.

Are visa applicants scrutinized for a possible terrorist background before the embassies or consulates of Cameroon decide whether to grant or deny them entry visas?

Under article 31 of the above-mentioned Decree, the competent diplomatic mission or consular post must take action on visa applications within 48 hours of their submission. Even before the current counter-terrorism concerns arose, this provision provided for an exchange of information with the Border Police in order to obtain information on persons applying for visas at Cameroon's embassies or consulates abroad. For example, all visa applicants are subject to a compulsory interview designed to establish the real reason for their planned trip to Cameroon and both the applicant and the Border Police are notified when a visa application is denied for any reason.

Subparagraphs (d) and (e) — What is the competence of the courts of Cameroon to deal with criminal acts of each of the following kinds:

An act committed outside Cameroon by a person who is a citizen of, or habitually resident in, Cameroon (whether that person is currently resident in Cameroon or not);

In the case of a crime or other offence committed outside Cameroon by a Cameroonian national, article 10 of the Penal Code states that Cameroonian criminal law applies to acts committed abroad by a citizen or a resident, provided that they are punishable under the legislation of the place where they were committed and that they are defined as crimes or other offences under Cameroonian law. The Cameroonian courts are competent in such cases if the Public Prosecutor's Office decides to prosecute, even where the offence was committed against an individual.

An act committed outside Cameroon by a foreign national who is currently in Cameroon?

A foreign national who commits an offence abroad and takes refuge in Cameroon can be prosecuted there. Such is the case with offences involving attacks on State security, or forgery of the State seal or counterfeiting of Cameroonian

money. Prosecution is initiated through an international arrest warrant or a request for extradition; in either case, once arrested, the accused is either prosecuted in Cameroon or extradited pursuant to a duly justified request for extradition.

Please provide the Committee with a progress report on the envisaged amendments to the Penal Code and on the comprehensive legislation to prosecute and punish terrorism and all its ramifications which Cameroon is about to enact (pp. 3 and 10 of document S/2002/277).

Criminal legislation for the punishment of terrorism and all its ramifications is being developed. However, legislation already exists to punish unlawful acts against the safety of civil aviation; in some cases, penalties include life imprisonment (Act No. 2001/019 of 18 December 2001 on unlawful acts against the safety of civil aviation).

Subparagraph (f) — Is extradition in Cameroon contingent, in any respect, on the existence of bilateral or multilateral treaties?

Under Cameroonian positive law, implementation by the competent authorities of extradition, which is regulated by Act No. 97/010 of 10 January 1997, requires the existence of bilateral or multilateral treaties. Despite this established principle, however, Cameroon's practice of reciprocal cooperation in this area, even in the absence of a specific instrument, has a firm basis in international law.

What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings, especially those relating to the financing or support of terrorist acts, must be met? How long does it actually take in practice to implement such a request in Cameroon?

In Cameroon, the only requirement for meeting requests for judicial assistance in criminal investigations or criminal proceedings is transmission through the diplomatic channel. In practice, however, when the Sanctions Committee requests assistance relating to the financing of terrorist acts, the monetary authority informs the credit institutions and the National Central Bureau (NCB-Interpol), which must implement the request within the month.

Please elaborate on the "institutional and legal shortcomings" that Cameroon, along with other Central African States, have identified as hampering the implementation of this subparagraph together with subparagraphs 3 (a), (b) and (c) of the resolution.

Most Central African States do not yet have specific legislation criminalizing the financing of terrorism. However, the adoption by the Central African Economic and Monetary Community (CEMAC) of draft regulations designed to prevent and punish money-laundering and the financing of terrorism in Central Africa is an encouraging development with respect to extradition and judicial assistance in criminal investigations and criminal proceedings relating to terrorist acts. The Cameroonian Government considers that the Central African States' unequal levels of technological, human and material resources are also a factor in the failure of their specialized units to exchange operational and factual information. These States also require assistance in publicizing the international instruments on terrorism so that they can harmonize their criminal procedure in that area.

Subparagraph (g) — The report states that travellers from certain countries are given "special attention". By what criteria does Cameroon identify those countries?

These countries are identified through the international media, mechanisms for the exchange of information between the above-mentioned specialized units, the list maintained by the United Nations Sanctions Committee and the mechanisms of Interpol.

Paragraph 3

Subparagraphs (a), (b) and (c) — Has Cameroon concluded bilateral judicial cooperation agreements with States other than Mali, France and the Democratic Republic of the Congo? If so, please list those countries.

In addition to the countries listed above, Cameroon has concluded judicial cooperation agreements with Benin, Burkina Faso, the Central African Republic, Chad, Côte d'Ivoire, Gabon, Guinea, Madagascar, Mauritania, the Niger, the Federal Republic of Nigeria, the Republic of the Congo and Senegal.

Do the agreements concluded with Mali, France and the Democratic Republic of the Congo include provisions on extradition?

Extradition is one of the issues regulated by all these agreements. For example, articles 43 to 60 of the legal cooperation agreement with France cover the question of extradition.

As part of its implementation of the resolution, does Cameroon intend to conclude bilateral agreements on cooperation in criminal matters and on extradition with other countries?

The conclusion of bilateral agreements on cooperation in matters of criminal law and extradition is one of Cameroon's concerns. For this reason, the negotiation of such agreements with, inter alia, the Russian Federation and Romania has been an element of Cameroon's cooperation with other countries. As a member of Interpol and a State party to the Palermo Convention against Transnational Organized Crime, Cameroon can also use the mechanisms developed by these organizations in its implementation of the resolution.

Subparagraph (d) — The Committee would welcome a progress report, in relation to the twelve relevant international conventions and protocols relating to terrorism, on:

- **The steps taken in order to become a party to the instruments to which Cameroon is not yet a party;**

In Cameroon, an act adopted by Parliament and authorizing the President of the Republic to ratify an international convention is followed by a decree of ratification, in which the State explicitly agrees to comply with the relevant provisions of the convention being ratified.

Cameroon has already ratified and is a party to the following seven conventions:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aviation, signed at Montreal on 23 September 1971;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991; and
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

In addition, consideration is being given to signing, ratifying or acceding to the following conventions:

- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;
- International Convention for the Suppression of Terrorist Bombings of 15 December 1997;
- International Convention for the Suppression of the Financing of Terrorism of 9 December 1999; and
- International Convention against Transnational Organized Crime of December 2000 (already signed).

– Progress made in enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.

In accordance with article 45 of the Constitution of Cameroon, any normally ratified treaty takes precedence over domestic law. Thus, in the absence of a conflict with the Constitution, implementation of the international instruments to which Cameroon is a party does not require the prior promulgation of legislation or other legal provisions.

Subparagraph (e) — Please describe Cameroon's practice in relation to the requirement of reciprocity regarding extradition based on agreements, especially when the only evidence available is meagre or contradictory.

Cameroon's practice in matters of reciprocity is to follow the form, procedure and requests which the requesting State used in its dealings with Cameroon.

Have the offences set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the bilateral treaties to which Cameroon is a party?

Yes, they are included in these treaties and provide a legal basis for granting requests for extradition.

Subparagraphs (f) and (g) — Please identify the specialized offices involved in the investigation conducted in order to ensure that asylum-seekers have not planned, facilitated or participated in the commission of terrorist acts and that refugee status is not abused by the perpetrators, organizers and facilitators of terrorist acts. Please outline the legal provisions governing this investigation.

The Office of the Director-General of Security and the Office of the Director-General of External Research both include specialized departments to make such inquiries in Cameroon; they conduct their investigations with the greatest discretion in accordance with the decrees under which they were established.

Paragraph 4

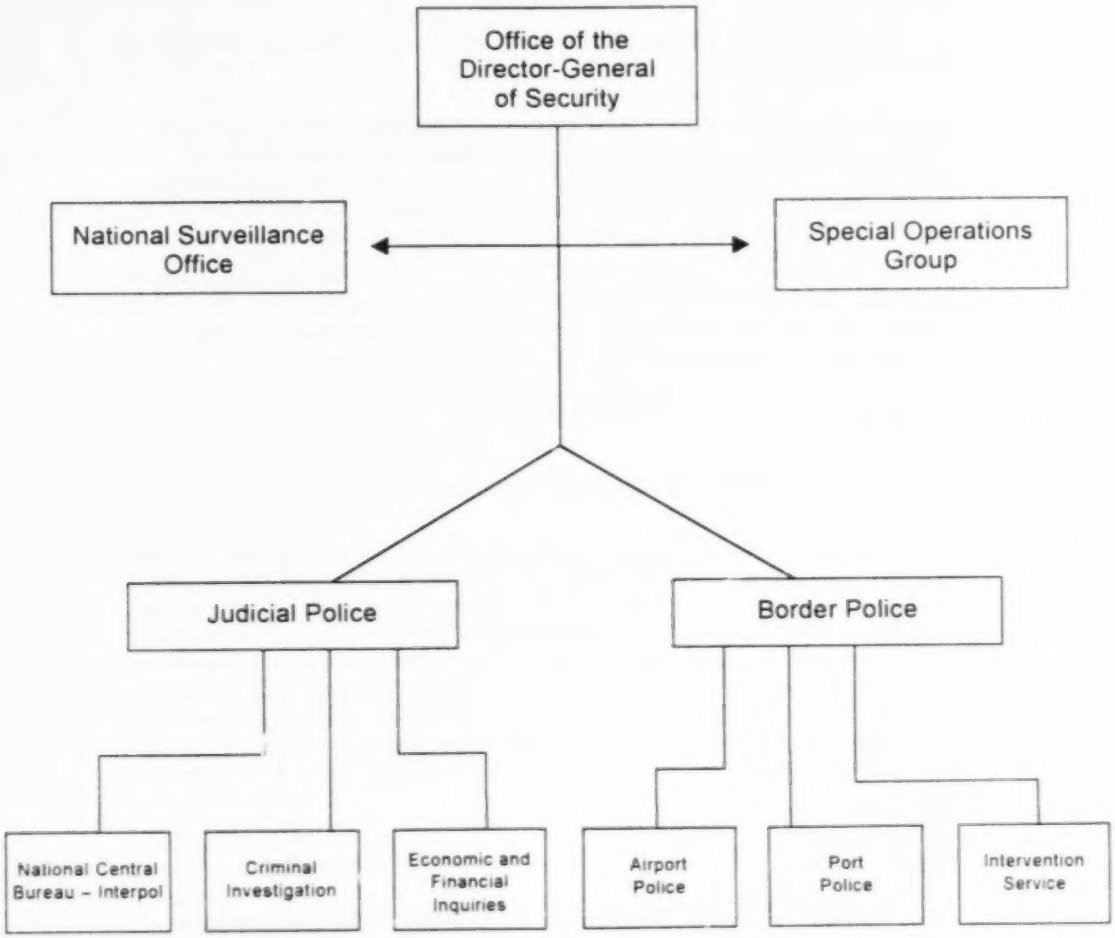
Has Cameroon addressed any of the concerns expressed in paragraph 4 of the resolution?

Cameroon notes with concern the close links between international terrorism and other similar and related problems. For this reason, it has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, the Palermo Convention against Transnational Organized Crime and the International Convention against the Taking of Hostages. It is preparing to sign and ratify the International Convention for the Suppression of the Financing of Terrorism.

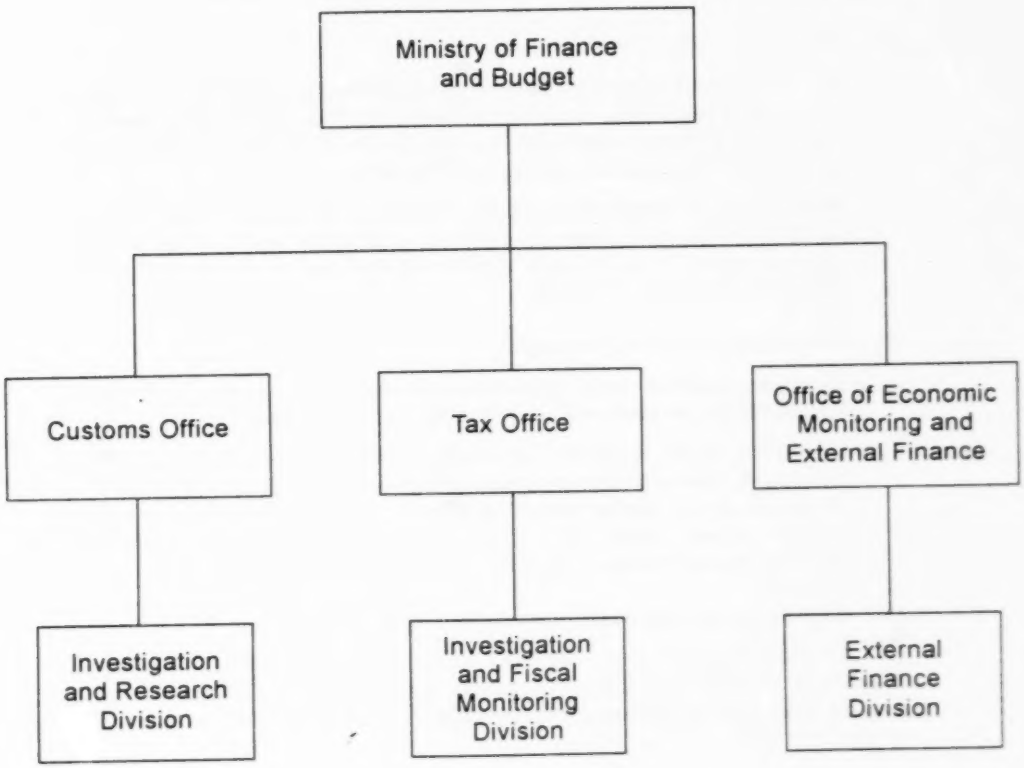
Other matters

Could Cameroon please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution?

Police and immigration control authorities



Customs, tax and financial supervision authorities


Ministry of Finance and Budget
Customs Office
Tax Office
Office of Economic Monitoring and External Finance
Investigation and Research Division
Investigation and Fiscal Monitoring Division
External Finance Division

Request for assistance

In order to comply with the provisions of resolution 1373 (2001), Cameroon would welcome assistance from the international community in the following areas:

(1) Adoption of counter-terrorism legislation

- The development of specific national counter-terrorism legislation would give Cameroon a single legal instrument on that issue. This task is complicated by Cameroon's bicultural nature and two legal systems (Common Law and Roman Law), hence the request for assistance in this area.
- With respect to suppression of the financing of terrorism and money-laundering, Cameroon hopes to establish an effective entity to monitor its financial system. This will also require technical assistance and specialized bodies and structures in this area.

(2) Strengthening of national capacities

- Cameroon attaches great importance to strengthening the departments responsible for the implementation of counter-terrorism measures.
- It therefore hopes to develop specialized structures and bodies and would welcome the provision of training seminars in the area of counter-terrorism for its security forces, Border Police and customs officials. Cameroon would also like to provide these officials with technical identification, detection, surveillance and monitoring equipment at its ports and airports.

(3) Cooperation on legal matters and exchange of information

At the subregional level, Cameroon would like to develop more functional cooperation with the other Central African countries and would welcome assistance with the creation of an assistance and cooperation mechanism in the Central African subregion.

(4) Technical advice

Cameroon would welcome whatever assistance the team of experts recommends after reviewing this report.